

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 56467 of 2022

Arising Out of PS. Case No.-242 Year-2018 Thana- MITHANPURA District- Muzaffarpur

PREM KUMAR @ PREM SAH, Male aged about 29 years, S/o late Shivji Sah @ Shivji Prasad Gupta, Resident of Village – Bairiya, PS – Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar @ S K, Advocate
For the Opposite Party/s : Mr Ram Naresh Ray, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Narcotic Drugs and Psychotropic Substances (for brevity, **NDPS**) Case No 107 of 2022 arising out of Mithanpura Police Station (for brevity, **PS**) Case No 242 of 2018 registered for the offence punishable under Sections 20, 22, 29 of NDPS Act and Section 52 of Prisoners Act.

One Raushan Kumar, after his Court production, was returning to the prison when he has been searched and found to be in possession of 18 small sachets, total 7 grams of smack.

Learned counsel for the petitioner submits that the



petitioner has been implicated by the said Raushan Kumar from whose possession, slightly above small quantity of smack, has been recovered. The said Raushan Kumar is on inimical terms with the petitioner and has, thus, stated the petitioner's name as being the person for whom he was carrying the smack inside prison for Rs 500 carrying charge. There is no recovery from the petitioner and under such circumstances, he is in custody in connection with this case since 20.04.2022.

Learned APP has opposed the prayer for bail. It is submitted that the petitioner was earlier also implicated in the case of NDPS Act.

Having considered the rival submissions, the manner of implication and the fact that there was no recovery from the petitioner even as per the prosecution case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Muzaffarpur in NDPS Case No 107 of 2022 arising out of Mithanpura PS Case No 242 of 2018 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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